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B6/B12 DIV 3

NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS

#10  
M.G.J.  
3/26/98

In re application of : Charles Weissmann

Serial No. : 08/487,280

Filed : June 7, 1995

For : DNA SEQUENCES, RECOMBINANT DNA MOLECULES  
AND PROCESSES FOR PRODUCING HUMAN  
INTERFERON-LIKE POLYPEPTIDES

Group Art Unit : 1804

Examiner : James Martinell X

RECEIVED

MAR 24 1998

GROUP 1800

New York, New York  
March 16, 1998

Honorable Commissioner of Patents and Trademarks  
BOX AF  
Washington, D.C. 20231

NOTICE OF APPEAL

Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the  
Primary Examiner mailed September 15, 1997 in which the rejection of claims 37-55 was  
made final.

[X] Applicant respectfully requests an oral hearing before the Board of Appeals. The  
appropriate fee is submitted herewith.

03/23/1998 SCARNICH 00000112 08487280  
01 FC119 310.00 CP  
02 FC121 270.00 CP

[ ] The appropriate fee for a \_\_\_-month extension of time to respond to the final rejection  
was timely paid on \_\_\_\_\_.

03/23/1998 SCARNICH 00000112 08487280  
01 FC119 310.00 CP

- ☒ No extension of time to respond to the final rejection is required. Applicant responded to the final rejection within two months thereof. Applicant has not as yet received an Advisory Action. Last week Examiner Martinell indicated that he will issue an Advisory Action suspending further prosecution in this case pending an interference. Because applicant has not received the Advisory Action and this is the six-month statutory date, applicant is filing this Notice of Appeal as a precautionary measure.
- ☒ Address all correspondence to:

James F. Haley, Jr.  
Registration No. 27,794  
c/o FISH & NEAVE  
1251 Avenue of the Americas  
New York, New York 10020-1104  
Tel.: (212) 596-9000

- ☒ A check in the amount of ☐ \$310.00 ☒ \$580.00 in payment of the ☐ appeal fee, ☒ appeal and oral hearing fees is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional appeal fee, oral hearing fee, or both, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.
- ☐ Please charge ☐ \$310.00 ☐ \$580.00 to Deposit Account No. 06-1075 in payment of the ☐ appeal fee; ☐ appeal and oral hearing fees. A duplicate copy of this Notice of Appeal form is enclosed.

#### EXTENSION FEE

- ☐ The following extension fee is applicable to the Notice of Appeal filed herewith; ☐ \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$400.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ \$950.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,510.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); ☐ \$2,060.00 extension fee for response within fifth month pursuant to 37 C.F.R. 1.136(a).
- ☐ A check in the amount of ☐ \$110.00; ☐ \$400.00; ☐ \$950.00; ☐ \$1,510.00; ☐ \$2,060.00; in payment of the extension fee is transmitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fee required under 37 C.F.R. § 1.17, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

[ ] Please charge the [ ] \$110.00; [ ] \$400.00; [ ] \$950.00; [ ] \$1,510.00; [ ] \$2,060.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

Respectfully submitted,

*Jennifer Weissman*

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James F. Haley, Jr. (Reg. No. 27,794)  
Jennifer T. Weissman (Reg. No. 40,868)  
Attorneys for Applicant  
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I Hereby Certify that this  
Correspondence is being  
Deposited with the U.S.  
Postal Service as First  
Class Mail in an Envelope  
Addressed to: ASSISTANT  
COMMISSIONER FOR PATENTS  
WASHINGTON D.C. 20231, on

*March 16, 1998*  
Thomas Quinones  
Name of Person Signing

*[Signature]*  
Signature of Person Signing